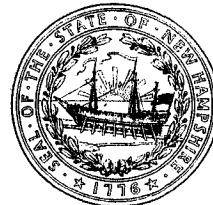




The State of New Hampshire
Department of Environmental Services
Water Council

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STATE OF NEW HAMPSHIRE
WATER COUNCIL

Docket No. 06-08 WC

Appeal of The Conservation Law Foundation
In Re: Water Quality Certificate No. WQC-2002-007

Decision & Order
on
Motion to Reschedule Prehearing Conference

Background

On June 1, 2006 Attorney Thomas F. Irwin filed a Notice of Appeal ("the Appeal") with the NH Water Council ("the Council") on behalf of The Conservation Law Foundation ("the Appellant"). The subject of the Appeal being the New Hampshire Department of Environmental Services, Water Division ("DES") issuance of Water Quality Certificate No. WQC-2002-007 to New Hampshire Department of Transportation ("the Applicant").

On July 12, 2006 the Council voted 10-0 to accept the appeal. Council Chairman John F. Bridges appointed Vice Chairman F. Wayne DiMarzio Presiding Officer for the purposes of this appeal.

At the Presiding Officer's direction a pre-hearing conference was scheduled for August 21, 2006.

On June 6, 2006 the Appellant filed an *Assented-to Motion to Reschedule Prehearing Conference*. In its motion the Appellant informed the Council that the Appellant and the Applicant have agreed to pursue mediation in an effort to resolve this appeal as well as the fact that an action is currently pending in federal court. It is anticipated that the mediation will occur either during the week of August 7 or in early September. The Appellant requests that the pre-hearing conference be rescheduled no earlier than August 28, 2006.

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Decision & Order on Motion to Reschedule Prehearing Conference
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Order

*Assented-to Motion to Reschedule Prehearing Conference is **GRANTED**.*

The pre-hearing conference in this matter is rescheduled for Monday, September 18, 2006 at 9:00am in Room 110 of the offices of the Department of Environmental Services, 29 Hazen Drive, Concord, NH.

So Ordered for the Council by: _____

COPY
Michael P. Sclafani, Appeals Clerk

August 4, 2006